



MARYLAND DEPARTMENT OF THE ENVIRONMENT

Oil Control Program, Suite 620, 1800 Washington Blvd., Baltimore MD 21230-1719

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Robert L. Ehrlich, Jr.
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Secretary

Michael S. Steele
Lt. Governor

Jonas A. Jacobson
Deputy Secretary

September 7, 2004

CERTIFIED MAIL

Reverend Mitch Miller
Fallston Presbyterian Church
P.O. Box 54
Fallston MD 21047

RE: Notice of Violation NV 2005-020
Case No. 2005-0156 HA
Fallston Presbyterian Church
Fallston Pre-Kindergarten
600 Fallston Road
Fallston, Maryland
Facility I.D. 0001927

Dear Reverend Miller:

The Maryland Department of the Environment (MDE), Oil Control Program's review of the records revealed that an underground storage tank (UST) system located at the above-referenced property is registered to the Fallston Presbyterian Church as a 750-gallon UST, not a 1000-gallon UST. Currently, this UST is improperly abandoned. Pursuant to the Department's conversation with your contractor, Mr. Emory Reed, it was our understanding that this tank would be removed during the weeks of August 16 thru 27, 2004 and a geoprobe investigation would be completed under the oversight of the Oil Control Program. To date, these tasks have not been completed. Since March 2003, the non-community well servicing this property has tested for methyl tertiary-butyl ether (MtBE) contamination above the State's action level of 20 parts per billion (ppb).

The aforementioned finding constitutes violation of Maryland law, specifically, Code of Maryland Regulations (COMAR) 26.10.10.01C, which provides that if a UST is out-of-service for more than 180 days it must be properly closed by removal. Based on this violation, the Maryland Department of the Environment hereby informs the Fallston Presbyterian Church that the following corrective actions must be preformed by the specified dates.

1. Permanent closure of the 750-gallon heating oil UST system must be conducted in accordance with COMAR 26.10.10.02 no later than September 30, 2004. Properly abandon the UST by removal. If removal of the tank is not possible due to structural limitations, the UST can be properly abandoned-in-place, however, prior approval by the Department's Oil Control Program will be required. Please note that a Maryland-certified UST remover or technician must be on-site to direct proper abandonment or removal of the UST system (COMAR 26.10.06.01).
2. Please provide the Oil Control Program with at least a 48-hour notification prior to the abandonment of the 750-gallon UST so that a representative can be present on-site to observe field activities. Enclosed is a copy of the *UST Removal and Notification* form, which must be completed and submitted to the Oil Control Program (Fax: 410-537-3092).

Failure to perform the advised corrective actions could result in additional enforcement proceedings from this Department, which could include the issuance of civil penalties and other legal sanctions. Regional Supervisor Susan Bull can be contacted at 410-537-3499 or via E-mail (sbull@mde.state.md.us) to schedule field activities.

Sincerely,

Yolande J.C. Norman, Chief
Remediation Division
Oil Control Program

SB/yjcn
Enclosure

cc: Mr. Emory Reed
Ms. Susan Kelly (Harford County Health Department)
Mr. Barry O'Brien
Mr. John Grace
Mr. Herbert Meade
Mr. Horacio Tablada